

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

(212) 805-0194

April 12, 2023

Philip Desgranges, Esq.
The Legal Aid Society
199 Water St., Ste 5th Floor
New York, NY 10038

Marilyn Richter, Esq.
Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007

**RE: Leslie v. City of New York et al.,
22-cv-02305 (NRB)**

Dear Counsel:

We are in receipt of plaintiffs' letter, dated April 11, 2023, which requests additional time to respond to the Court's inquiries concerning their proposed class action motion. See ECF No. 74. While the Court is unclear about the connection between the issues raised regarding plaintiffs' proposed motion and the filing of defendants' answer, we have no objection to plaintiffs' request. Plaintiffs' letter addressing the necessity and/or timing of a class certification motion is due one week from the defendants' answer, which defendants have proposed to file this Friday, April 14. See ECF No. 72.

We also take this occasion to bring Judge Friendly's opinion in Galvan v. Levine, to the parties' attention, which more artfully states one of the points the Court was trying to make in its April 3, 2023 call with the parties:

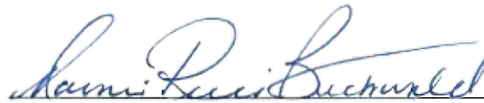
[I]nsofar as the relief sought is prohibitory, an action seeking declaratory or injunctive relief against state officials on the ground of unconstitutionality of a statute or administrative practice is the archetype of one where class action designation is largely a formality, at least for the plaintiffs.

490 F.2d 1255, 1261 (2d Cir. 1973); see also Davis v. Smith, 607 F.2d 535, 540 (2d Cir. 1978) ("Where retroactive monetary relief is not at issue and the prospective benefits of declaratory and injunctive relief will benefit all members of a proposed class to such an

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

extent that the certification of a class would not further the implementation of the judgment, a district court may decline certification.”).

Very truly yours,

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", written over a horizontal line.

Naomi Reice Buchwald
United States District Judge